Declassified in Part - Sanitized Copy Approved for Release 2012/02/10 : CIA-RDP90-00965R000201510003-3

STAT

WASHINGTON TIMES
24 January 1986

ARTICLE APPEARED
ON PAGE 3D

Another birthday in prison

ALAN DERSHOWITZ

Do you remember Anatoly Shcharansky? In 1978, his smiling face was on the cover of *Time* and *Newsweek* and his story was front-page news throughout the world.

Today he is languishing in the Soviet Gulag, completing the ninth year of a 13-year prison sentence on charges of spying for the CIA.

The charge is, of course, a complete lie. Mr. Shcharansky has never worked for the CIA. He was simply one of several outspoken Soviet dissidents and "refuseniks" who were swept up in a KGB offensive against the Moscow-based human-rights movement.

Indeed, President Jimmy Carter broke with precedent and publicly announced in 1977 that he had "inquired deeply within the State Department and within the CIA as to whether or not Mr. Shcharansky has ever had any known relationship in a subversive way, or otherwise, with the CIA. The answer is 'no.' We have double-checked this, and I have been hesitant to make that public announcement, but now I am completely convinced."

It would have been the height of absurdity for U.S. officials to recruit, as a CIA agent, a dissident who was an outspoken critic of the Soviet Union, or for the Soviets to allow such a dissident access to any deep dark secrets. As one American expert cynically put it: "To recruit Mr. Shcharansky as an American spy would be as silly as trying to use a burlesque queen to infiltrate a monastery."

Even the Soviets no longer seriously claim that Mr. Shcharansky worked for the CIA. They insist, however, that his advocacy of human rights and his deep desire to emigrate and join his wife in Israel was high treason. As a *Newsweek* correspondent who knew Mr. Shcharansky in Moscow said, "His only crime was that he spoke the truth, and his worst crime was that he spoke it in English."

The truth he spoke was about the Soviet Union's denial of the most basic human right to Christians, Moslems, Jews, Ukrainians, Crimeans, ethnic Germans, and even Russian Communists who deviate from the party line.

Last week was Anatoly's 38th birthday. He spent it alone, as he has his last eight birthdays. His mother's recent efforts to visit have been rebuffed. The last time this elderly woman made the long journey to his prison camp, she was told that the authorities had changed their collective minds and she would have to wait. She camped outside the prison gates for three days before being told that her son could have no visitors during the entire year.

Even Nelson Mandela, the South African revolutionary, is allowed visitors by his racist captors.

In the meantime, Anatoly's wife, Avital, waits for her eventual reunion with her beloved husband, whom she has neither seen nor spoken to in more than eight years. When he was sentenced in 1978, her first reaction was: "In 13 years, I will no longer be able to bear children."

Avital now travels around the world, pleading with world leaders to intervene, begging the Soviet authorities to release Anatoly in time for them to have children together. But the Soviets are holding Mr. Shcharansky hostage for ultimate use as a bargaining chip with the United States. The only difference between the Soviet hostage-takers and the Shi'ites who are holding Americans in Beirut is that the Soviets employ the facade of a legal system — with synthetic statutes and kangaroo courts — to justify the detention of their hostages.

But as Justice Robert Jackson, the chief American prosecutor at Nuremberg, said about the Nazi legal system: "The most odious of all oppressions are those which mask as justice."

Recently, a professor of psychiatry at the Harvard Medical School called for the U.S. media to censor anti-Soviet criticism. He argued that limits on free expression are proper when that expression arouses "national hatred," characterizing such censorship as "good for planetary hygiene." (I wonder if he would advocate censorship of anti-South African rhetoric as well.)

I, for one, have no intention of laying off the Soviet Union (or any other human-rights violators). Any doctor should know that it isn't "good hygiene" to cover a festering sore without treating it and addressing its underlying causes. A psychiatrist, in particular, should understand the dangers of repressing a problem by denial.

The fault for generating U.S. hostility toward Soviet human-rights violations lies squarely with the Soviet Union. We should stop criticizing the Soviet Union as soon as it stops oppressing innocent people whose only sin is their wish to emigrate and live their lives in freedom.

All free people should continue speaking up for Anatoly Shcharansky — and for the millions of other political prisoners in the Soviet Union, South Africa, the Philippines, China, Iran, and throughout the world — until they are free to speak for themselves.

Happy birthday, Anatoly Shcharansky. Keep up your spirits, despite your aching heart, your poor health, and your loneliness. You are a true hero of human rights. Someday your hostage-takers will allow you to join your wife and begin a family. But until then, we are all a little less free.

Alan Dershowitz, a professor at Harvard Law School, is a nationally syndicated columnist.

Declassified in Part - Sanitized Copy Approved for Release 2012/02/10 : CIA-RDP90-00965R000201510003-3